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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,151	08/01/2003	Jody Cox	FMM005/02063A	5434
24118	7590	08/27/2004	EXAMINER	
HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119			WRIGHT, ANDREW D	
			ART UNIT	PAPER NUMBER
			3617	
DATE MAILED: 08/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,151

Applicant(s)

COX, JODY

Examiner

Andrew Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/1/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 8/1/03 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there is no date for the ASME reference. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Specification

2. The disclosure is objected to because of the following informalities: the term "swagging" should be spelled "swaging" throughout the specification and claims. Appropriate correction is required.

Claim Objections

3. Claim 1 is objected to because of the following informalities: the term "swagging" should be spelled "swaging". Appropriate correction is required.

4. Claims 1 and 2 are objected to because of the following informalities. Claim 1 recites "a wire rope termination sleeve". Claim 1 subsequently recites "said sleeve". Claim 2 subsequently recites "said termination sleeve". Consistent terminology should be used for the same element throughout the claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lucas (US 6,170,145) in view of Koller (US 4,126,936) and Bihler (US 2,914,166). Lucas shows a wire rope (30) with a swage termination (10). Lucas does not show a tag or a clear plastic material. Koller shows that it is known to provide identification means on wire rope termination sleeves. The Koller identification means requires the use of specialized crimping tool (20). Bihler shows an identification means that can be used with wire rope. The Bihler identification means comprises a tag (11) having identifying information that is adhesively secured to a surface and a clear plastic material (10) that encapsulates the tag. The Bihler identification means does not require the use of a specialized tool. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lucas by providing an identification means on the sleeve (10) as taught by Koller, and by using the identifying means shown by Bihler. The motivation would be to provide an identification means for the wire rope.

7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucas (US 6,170,145) in view of Koller (US 4,126,936) and Bihler (US 2,914,166) as described above with respect to claim 5. Lucas in view of Koller and Bihler as described above with respect to claim 5 does not disclose the recited method steps.

The recited method steps are, however, inherent in the making and use of the modified invention of Lucas. The swaging step is shown by Lucas. The positioning step occurs in the placement of the Bihler opaque tag (11) over the Lucas sleeve (10). The applying step occurs when the adhesive that is on the back of the opaque tag touches the sleeve. The encasing step occurs when the transparent portion of the Bihler tape is wound around the opaque tag. Regarding claim 2, the adhesive is applied to the back of the Bihler tag (11) before that same adhesive is touched to the Lucas sleeve (10). Regarding claim 3, the step of encasing includes wrapping the transparent portion of the Bihler tape around the opaque tag, and this constitutes molding because a shape is being imparted upon the transparent portion of the Bihler tape. Regarding claim 4, Bihler does not disclose how the tape (10) is manufactured. Therefore, one would necessarily need to decide on a way to manufacture the tape (10). It is well known and common to make thin plastic films by injection molding. Therefore, it would be obvious to make the Bihler tape (10) from injection molding, the motivation being to make the Bihler tape using known methods in the art. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to devise the recited method steps. The motivation would be to make and use the modified invention of Lucas.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sharrow ('956) shows a swage sleeve identification tag. Blum ('586) shows a tag with an adhesive backing and shows a clear plastic laminate that

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covers the tag for the purpose of protecting the tag. Tarrant ('767) shows a tag for a cable. Piana et al. ('853) shows various embodiments of tags for cables. Staff et al. ('575) shows an adhesive cable tag. Caveney ('362) shows an adhesive cable tag.

9. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number (703) 308-6841. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at (703) 308-0230. The fax number for official communications is 703-872-9306. The fax number directly to the examiner for unofficial communications is 703-746-3548.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew D. Wright
Patent Examiner
Art Unit 3617

ANDREW D. WRIGHT
PRIMARY EXAMINER

Av 8/24/04